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SUBJECT: BOSNIA - EU RETREAT ON POLICE REFORM MAY HERALD AN EARLY SAA SIGNING

REF: A. SARAJEVO 2535

1B. SARAJEVO 2574

Classified By: Ambassador Charles English. Reasons 1.4 (b) and (d).

11. (C) SUMMARY: Meeting in Laktasi, Republika Srpska PM Milorad Dodik's hometown, leaders from the six governing parties agreed on December 11 to the terms of reference for a working group that would draft legislation creating the seven state-level police support bodies called for in the Sarajevo Action Plan (Ref A). On the basis of this Action Plan, Brussels had dropped its insistence on police reform implementation as a precondition for initializing the Stabilization and Association Agreement (SAA). Party leaders have set February 15 as the deadline for the working group to complete its work on the legislation, and they hope that the EU will agree to sign the SAA once the legislation is adopted. Dodik has already signaled that he expects the new police structures would support state-level law enforcement agencies only and that similar, existing entity level bodies would remain. Advisors to Party for BiH (SBiH) President and Bosniak member of the Tri-Presidency Haris Silajdzic have suggested to us that they could accept this outcome. Working-level contacts at OHR and EUPM doubt the EU will insist on anything more, which means Bosnia could be able to sign the SAA in the first quarter of 2008. END SUMMARY

The Sarajevo Action Plan Opens Door for SAA Initialing

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12. (C) In an effort to meet the EU's police reform conditionality for initializing an SAA, leaders of Bosnia's six governing parties signed the Sarajevo Action Plan on November 22 (Ref A). The Action Plan calls for the establishment of seven state-level police support bodies, but consistent with the October 28 Mostar Declaration, postpones reform of local police structures until after constitutional reform. This, along with the resolution of the deadlock over OHR's October 19 impositions (Ref B) led the EU to drop its earlier insistence that state and entity level governments must adopt a comprehensive police reform plan, such as the Police Reform Directorate (PRD) report or the Lajcak Protocol, before the EU would initial the SAA. On December 4, EU Enlargement Commissioner Olli Rehn and PM Spiric initialed the SAA.

13. (C) The state-level police bodies called for in the Sarajevo Action Plan are: 1) Directorate for Coordination of Police, 2) Institute for Forensics, 3) Institute for Establishment and Professional Upgrading of Personnel (i.e.,

a police academy), 4) Police Support Agency, 5) Independent Board, 6) Citizen Complaint Board, and, 7) Police Officials Complaint Board. The action plan does not provide details about the competencies of these bodies; nor about their relationship with existing police structures, such as the Republika Srpska and Federation Police Academies. The Sarajevo Plan, which was formally adopted by the CoM on December 3, calls on the Parliamentary Assembly to adopt legislation establishing these seven bodies within six months (i.e., no later than June 2).

The Laktasi Agreement: Police Legislation by February 15

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¶4. (C) On December 11, the six leaders from the governing political parties met again in Laktasi, RS PM Dodik's home town, and signed yet another agreement, the Laktasi Agreement, which, among other things, spelled out the terms of reference for a Police Reform Working Group that would be charged with drafting the law or laws establishing the seven state-level police bodies. The working group will consist of nine representatives from the state, the RS, the Federation, and Brcko as well as three international observers (OHR, EUPM, and the US Embassy). The first meeting of the working group is scheduled for December 18, and political leaders set the working group a February 15 deadline for presenting draft legislation to the CoM. The working group will meet weekly and make all decisions by consensus. An English translation of the Laktasi Agreement has been e-mailed to EUR/SCE.

Dodik and Silajdzic on New Structures

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¶5. (C) The PRD report and the Lajcak Protocol had also envisioned creation of the state-level police support structures called for in the Sarajevo Action Plan. The intent was that these institutions would serve as support structures for all police bodies, including state and entity-level police bodies. For example, the proposed police academy was envisioned as an academy for the State Investigation and Protection Agency (SIPA), State Border Police (SBP), the Foreigners Affairs Service (FAS) and RS, Federation and Cantonal police. In the initial euphoria over the signing of the Mostar Declaration and Sarajevo Action Plan, European officials interpreted these documents as embodying this approach as well.

¶6. (C) Dodik's public statements since the signing of both documents suggest otherwise. Dodik has said that the institutions foreseen in the Sarajevo Action Plan will support state-level law enforcement bodies only and that existing entity support structures, including entity police academies and forensic institutes, would remain. He has also publicly insisted that the state-level Independent Board provided for in the Action Plan will recommend candidates for positions in SIPA and SBP, and not for the RS Police. In essence, Dodik has signaled that he will not support new police structures that could provide the foundation for broader police reform, but only the creation of an additional state-level layer of police structures on top of already existing entity structures.

¶7. (C) Political leaders were close to a substantive deal on police reform based on the PRD report and its annex on March 14, only to have it torpedoed by Silajdzic's insistence that any reform must eliminate the name "RS Police" from local police bodies. Concern for symbols rather than the substance of police reform has guided Silajdzic's approach to police reform ever since. Silajdzic's police reform advisors tell us that though they hope to give some substance to the new state-level bodies, they will not press for these institutions to be given responsibilities over local police bodies. Silajdzic's preference remains addressing "real police reform" only after constitutional reform is settled.

With this in mind, Silajdzic's advisors tell us that they are willing to be extremely flexible during working group negotiations in order to meet the February 15 deadline.

OHR and EUPM Predict Lowest Common Denominator

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¶ 18. (C) Although the Laktasi Agreement has set an ambitious deadline, particularly considering the lengthy Catholic-Orthodox holiday season that is about to begin, OHR officials believe the working group could complete its task quickly. They note that the working group will not address entity or cantonal police competencies, by far the most controversial elements of police reform, and they doubt the EU will insist that the new police support structures resemble those envisioned by the PRD or the Lajcak Protocol. EUPM experts also expect the working group to avoid consideration of any controversial issues and to settle for a "lowest common denominator" product. They share OHR's view that the new police structures will, in the end, support only state level law enforcement institutions.

¶ 19. (C) Although one body called for in the Sarajevo Action Plan, the Directorate for Police Coordination (DPC), could be given a role in inter-entity police coordination, EUPM contacts predict the working group will limit the DPC's mandate to only international coordination (i.e., "To serve as a mailbox for Brussels," as one EUPM official put it). Working level contacts at OHR and EUPM lamented Brussels' decision to initial the SAA before serious police restructuring, which they believe has taken the wind out of the sails of meaningful police reform. Brussels has asked EUPM to monitor the working group process and give an evaluation of the final product, but has not made clear what criteria EUPM should use.

Comment

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¶ 10. (C) Though the EU is unlikely to say so publicly, police reform as envisioned by the EU several years ago (i.e.,

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creating a state-run, technically efficient police force free from political interference), if not dead, appears to have been abandoned. Given the number of concessions the EU has made during more than two years of negotiations, we judge it likely that Brussels will accept whatever the working group comes up with rather than insist on genuine reform. In this case, the new structures are likely to be little more than another layer of police bureaucracy, which will compete for scarce local and donor resources. This outcome suits Dodik's and Silajdzic's agendas just fine. Dodik wants no change, and he will get it; Silajdzic is uninterested in police reform, seeing it as an unnecessary roadblock to the SAA and a distraction from his top priority - constitutional reform. These dynamics could allow the working group to complete its work relatively quickly and meet its February 15 deadline. If Brussels accepts its product, an SAA might be signed not long after, which could provide an important political shot in the arm for Bosnia.

ENGLISH